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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,398	09/19/2003	Douglas S. Ransom	6270/126	9324
46260 7590 11/26/2007 BRINKS HOFER GILSON & LIONE/PML PO BOX 10395 CHICAGO, IL 60610			EXAMINER VON BUHR, MARIA N	
			ART UNIT 2125	PAPER NUMBER
			MAIL DATE 11/26/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/666,398

Applicant(s)

RANSOM ET AL.

Examiner

M.N. Von Buhr

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 92-124 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 92-124 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Examiner acknowledges receipt of Applicant's response to the previous Office action, received 20 September 2007; which amends the specification. Claims 92-124 remain pending in this application.
2. In response to Applicant's remarks, the objection to the drawings is deemed to have been overcome and is, therefore, withdrawn.
3. In response to Applicant's amendment, the objection to the specification is deemed to have been overcome and is, therefore, withdrawn.
4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 92-94, 96 and 100 stand rejected on the ground of non-statutory double patenting over claims 1, 27, 43, 57, 59-61, 75, 80 and 82 of U.S. Patent No. 6,961,641 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: Claims 1, 27, 43, 57, 59-61, 75, 80 and 82 of U.S. Patent No. 6,961,641 contain every element of claims 92-94, 96 and 100 of the instant application and as such anticipate claims 92-94, 96 and 100 of the instant application.

Furthermore, there is no apparent reason why Applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP §804.

Applicant has provided no effective response to this rejection, and it is now made final.

6. Claims 118 and 119 stand rejected on the ground of non-statutory double patenting over claims 1, 2 and 6 of U.S. Patent No. 6,990,395 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: Claims 1, 2 and 6 of U.S. Patent No. 6,990,395 contain every element of claims 118 and 119 of the instant application and as such anticipate claims 118 and 119 of the instant application.

Furthermore, there is no apparent reason why Applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP §804.

Applicant has provided no effective response to this rejection, and it is now made final.

7. Claims 118, 120 and 124 are provisionally rejected on the ground of non-statutory double patenting over claims 1, 4, 10, 12 and 15 of co-pending U.S. Application Serial No. 11/049,042 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced co-pending application and would be covered by any patent granted on that co-pending application since the referenced co-pending application and the instant application are claiming common subject matter, as follows: Claims 1, 4, 10, 12 and 15 of U.S. Application Serial No. 11/049,042 contain every element of claims 118, 120 and 124 of the instant application and as such anticipate claims 118, 120 and 124 of the instant application.

Furthermore, there is no apparent reason why Applicant would be prevented from presenting claims corresponding to those of the instant application in the other co-pending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP §804.

Applicant has provided no effective response to this rejection, and it is now made final.

8. Claims 118 and 122 are provisionally rejected on the ground of non-statutory double patenting over claims 14-17 of co-pending U.S. Application Serial No. 11/497,218 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced co-pending application and would be covered by any patent granted on that co-pending application since the referenced co-pending application and the instant application are claiming common subject matter, as follows: Claims 14-17 of U.S. Application Serial No. 11/497,218 contain every element of claims 118 and 122 of the instant application and as such anticipate claims 118 and 122 of the instant application.

Furthermore, there is no apparent reason why Applicant would be prevented from presenting claims corresponding to those of the instant application in the other co-pending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP §804.

Applicant has provided no effective response to this rejection, and it is now made final.

9. In response to Applicant's remarks, concerning the effective filing date of the instant application, the 35 U.S.C. §102(e) and §103(a) rejections of the claims, as being either anticipated by or unpatentable over Noh (U.S. Patent No. 6,711,512), alone or in combination with Applicant's admitted prior art, are deemed to have been overcome and are, therefore, withdrawn.

10. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

11. Claims 118 and 119 are rejected under 35 U.S.C. §102(e), as being clearly anticipated by Leach (U.S. Patent No. 6,954,814; newly cited), which discloses a "method and system for monitoring utility meter status, and transmitting a status message via an output device connected to a universal communications interface ... The system is connected to a utility meter, such as an electric meter. The voltage level of the electric meter is monitored through a voltage input interface. An analog-to-digital converter transforms the voltage waveform into a series of digital data packets, which are then transmitted to a microprocessor ... the microprocessor transmits a status message across a universal serial bus to a universal communications interface. The universal communications interface is connected to at least one slot, which contains at least one output device ... The output device may then transmit the status message to a remote receiver" (the abstract), wherein the universal communications interface, analogous to the instantly claimed "network interface," provides for wireless communication (see, at least, col. 3, lines 33-48; col. 4, lines 15-32; col. 5, lines 20-30). Examiner notes that the effective filing date of Leach (10 June 1999) predates the effective filing date of the instant application (22 March 2001), as supported by Applicant's remarks in the response dated 20 September 2007.

12. Claims 92-94, 101-103, 110-112 and 118-120 are rejected under 35 U.S.C. §102(e), as being clearly anticipated by McMillin (U.S. Patent No. 7,027,773; newly cited), which discloses a "a wireless network of intelligent transceiver nodes which employ local processing and node-to-node data messaging to hand off messages from an origination point to a destination point" (col. 1, lines 10-16), wherein a "micro-controller 510 controls the transceiver 500 via an a/d converter 560 and a peripheral interface 570. The interface may be any communications interface such as a GPS receiver, GPS differential augmentation, wide area wireless network, local area wireless network, cellular modem, land line modem, satellite data modem, personal computer interface, PDA interface, or any other hardware or software system interface" (col. 10, lines 5-15), applicable to a power management environment (see, at least, col. 49, lines 33-44). Examiner notes that the effective filing date of McMillin (28 May 1999) predates the effective filing date of the instant application (22 March 2001), as supported by Applicant's remarks in the response dated 20 September 2007.

13. Claims 95-100, 104-109, 113-117 and 121-124 are rejected under 35 U.S.C. §103(a), as being unpatentable over McMillin (U.S. Patent No. 7,027,773), as applied to claims 92-94, 101-103, 110-112 and 118-120, further in view of Applicant's admitted prior art, at pages 8, 9, 14, 15 and 17 of the instant specification.

As per claims 96-99, 105-108, 114-117, 122 and 123, although McMillin teaches Applicant's invention substantially as instantly claimed, as noted above, and McMillin recognizes the availability of and uses GPS technology (see, at least, col. 17, lines 30-56), McMillin does not specifically use the communications interface to "determine a geographical location of the energy management device" by "RF triangulation." In this regard, Applicant acknowledges, at page 15 of the instant specification, "cellular modems further provide the functionality to determine the geographic location of the IED using cellular RF triangulation," such capability being a well known feature of cellular modems, as they are well known to be customarily used in the prior art to communicate wirelessly with mobile devices. Accordingly, since McMillin teaches using a cellular modem, it would have been obvious, to one having ordinary skill in the art, at the time the instant invention was made, to use the known capability of cellular modems to determine the location of such modems, for the benefit and purpose of assuring accurate billing, monitoring and diagnosing system faults, etc.

Further as per claims 95, 100, 104, 109, 113, 121 and 124, Applicant acknowledges, at page 17 of the instant specification, that SLIP, PPP and TCP/IP are well-known Internet transport protocols.

14. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. Applicant is advised to carefully review the cited art, as evidence of the state of the art, in preparation for responding to this Office action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M.N. Von Buhr whose telephone number is 571-272-3755. The examiner can normally be reached on M-F (9am-5pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571-272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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